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OFFICE OF PETITIONS

In re Application of
Mudd
Application No. 09/935,617
Filed: August 23, 2001
Attorney Docket No. F.11181
For: METHOD AND APPARATUS FOR
FABRICATION OF A SELF-SUPPORTING
BANDED COIL

:
: DECISION GRANTING
: PETITION
:
:

This is a decision on the petition filed July 14, 2003, requesting, in effect, withdrawal of the Notice of Incomplete Nonprovisional Application, mailed September 25, 2001.

The application was filed on August 23, 2001. However, on September 25, 2001 the Office of Initial Patent Examination mailed a Notice stating that the application had not been accorded a filing date because the application was deposited without drawings.

Petitioner requests that the above-identified application be accorded a filing date of August 23, 2001 on the basis that 3 sheets of drawing figures were received in the Patent and Trademark Office (PTO) on August 23, 2001. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing August 23, 2001 as the date of receipt. The postcard lists, *inter alia*, that the filing included 3 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 3 sheets of drawing figures were filed on August 23, 2001. MPEP 503. Accordingly, the request is granted.

No fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **August 23, 2001**, using the copy of the 3 sheets of drawings submitted on October 5, 2001. Office records will be corrected to show that 3 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
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Office of the Deputy Commissioner
for Patent Examination Policy